

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

No. CR 91-00285 MHP

Plaintiff-Respondent,

v.

**ORDER GRANTING REQUEST TO
PROCEED ON APPEAL IN FORMA
PAUPERIS**

CURTIS BLACKWELL JR.,

Defendant-Petitioner.

On September 17, 1992, petitioner plead guilty to three counts of bank robbery in violation of 18 U.S.C. § 2113 (Counts One, Three, and Ten), and one count of using a firearm in violation of 18 U.S.C. § 924(c) (Count Two). On January 4, 1993, in accordance with the plea agreement, the Court accepted the plea agreement and sentenced petitioner to a 357-month term of imprisonment, including 57 months on Counts One and Three, to run concurrent, 60 months on Count Two to run consecutive to Counts One and Three, and 240 months on Count Ten to run consecutive to all other Counts.


On October 23, 2013, petitioner's motion for reduction of his sentence under 18 U.S.C. § 3582(c)(2) was denied. Petitioner filed a notice of appeal from that order and now requests to proceed in that appeal without prepayment of filing fees. His request will be construed as an application to proceed in forma pauperis on appeal, and is hereby granted on the grounds that the appeal as to whether his sentence resulted in a violation of 18 U.S.C. § 3582 and Amendment

ORDER

599 to the Federal Sentencing Guidelines is taken in good faith and is not frivolous. *Ellis v. United States*, 356 U.S. 674, 674–75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

IT IS SO ORDERED.

DATED: November 27, 2013



RICHARD SEEBORG
United States District Judge

ORDER